

**BOARD OF PSYCHOLOGY**

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**BOARD OF PSYCHOLOGY**

Quarterly Board Meeting

Open Session Minutes

Department of Consumer Affairs
1424 Howe Ave., Suite F
Greg Gorges Conference Room
Sacramento, CA 95825

Friday, November 15, 2002

The open session meeting was called to order by the President, Pamela Harmell, Ph.D. at 8:02 a.m. A quorum was present and due notice had been sent to all interested parties.

Present were:

Pamela Harmell, Ph.D., President
William L. Tan, Vice-President
Howard Adelman, Ph.D.
Mary Ellen Early
Jacqueline Horn, Ph.D.
Lisa Kalustian
Myra Scott Reifman
Ronald Ruff, Ph.D.
William Thomas, Ph.D.

Others Present:

Thomas O'Connor, Executive Officer
Laura Freedman, Legal Counsel
Jeffrey Thomas, Assistant Executive Officer
Kathy Bradbury, Administrative Services Coordinator
Kathi Burns, Enforcement Coordinator
Karen Johnson, Licensing/Examination Coordinator

Agenda Item #1 – Committee Meetings

The Credentials Committee, Examination Committee, Enforcement Committee, Legislation Committee, Consumer Education Committee, and Continuing Education Committee met to discuss and formulate recommendations to the Board.

Agenda Item #2 – Presentation by the Office of Examination Resources – Tracy Ferrel, Chief

Mr. O'Connor introduced Tracy Ferrel, Ph.D., Chief of the Office of the Examination Resources (OER) and Linda Hooper, Ph.D., OER's Lead Technical Advisor. Each provided a brief summary of their backgrounds. Dr. Ferrel described the role of the OER and the board in the development of the California Jurisprudence and Professional Ethics Examination (CJPPE).

She also explained the Department's examination validation policy and the standards followed in exam development. Dr. Ferrel pointed out that these standards are applied to all tests nationally.

Dr. Ferrel described the examination development process used in the development of the CJPEE. She explained that this process begins with an occupational analysis which is an empirical study that looks at the scope of practice and identifies important tasks and associated knowledge. She informed the board that the national occupational analysis performed by the Association of State and Provincial Psychology Boards (ASPPB) and used for the development of the Examination for Professional Practice in Psychology is also the foundation for the development of the CJPEE. Dr. Ferrel indicated that this occupational analysis is in the process of being updated by ASPPB and a report is due in May 2003. Once the report is issued, it will be used to update the work being done on the CJPEE.

Dr. Ferrel informed the board that subject matter experts are used to develop items, review items, construct different forms of the exam, and finally, establish a pass point for each form of the exam. She explained that a new form of the exam is developed each quarter, and the OER is continually monitoring the performance of each form and using statistical data as feedback. Dr. Ferrel told the members of the board that they are welcome to attend any of the examination development workshops to observe the process of examination development but requested that any member wanting to attend let OER staff know in advance.

Dr. Ferrel indicated that the CJPEE is currently performing at a satisfactory level. She explained that the OER monitors the exam about every ten days by reviewing candidate response data to look for any concerns about any particular item. She informed the board that currently almost all candidates are passing the exam, and assured the board that this is fine. She assured the board that the exam is not an easy exam, meaning that the exam sufficiently tests for minimal competency.

Dr. Ferrel addressed questions posed by the board regarding the development and validity of the exam. The board expressed appreciation for the time taken by Dr. Ferrel and Dr. Hooper to provide this presentation.

Agenda Item #3 – Presentation by the Office of Administrative Hearings – Melissa Meith, Director and Chief Administrative Law Judge

Mr. O'Connor introduced Melissa Meith, Director of the Office of Administrative Hearings (OAH) and Chief Administrative Law Judge. Judge Meith explained the history and role of OAH. She educated the new board members about the Administrative Procedures Act, which she described as the "Bill of Rights" for all parties involved in administrative proceedings in the state.

Judge Meith explained how board members serve in the role as judges in the administrative process. She also explained the burden of proof required in these proceedings, the rules of evidence and how settlement conferences and stipulated agreements fit into the administrative process.

Judge Meith addressed questions posed by the board regarding the administrative hearing process. The board expressed appreciation for the information she provided.

Agenda Item #4 – DODGE, Richard, Ph.D. – Hearing on Petition for Reinstatement of Revoked License

Administrative Law Judge William Hoover presided. Deputy Attorney General Stephen Boreman was present and represented the people of the state of California. Richard Dodge, Ph.D. was present and represented himself.

Agenda Item #5 – VAN RENFELDT, Steven, Ph.D. – Hearing on Petition for Reinstatement of Revoked License

Administrative Law Judge William Hoover presided. Deputy Attorney General Stephen Boreman was present and represented the people of the state of California. Steven Van Renfeldt was present and represented himself.

Agenda Item #6 – TYE, Jane, Ph.D. – Oral Argument Hearing on Non-Adoption of Proposed Decision

Administrative Law Judge William Hoover presided. Supervising Deputy Attorney General Barry Ladendorf was present and represented the Executive Officer of the Board of Psychology. Jane Tye, Ph.D. was present and represented by attorney A. Steven Frankel, Ph.D.

The Board adjourned into closed session from 2:45 p.m. to 3:45 p.m. and again from 4:45 p.m. until 6:05 p.m.

Saturday, November 16, 2002

The open session meeting was called to order by the President, Pamela Harmell, Ph.D. at 9:01 a.m. A quorum was present and due notice had been sent to all interested parties.

Present were:

Pamela Harmell, Ph.D., President
William L. Tan, Vice-President
Howard Adelman, Ph.D.
Mary Ellen Early
Jacqueline Horn, Ph.D.
Lisa Kalustian
Myra Scott Reifman
Ronald Ruff, Ph.D.
William Thomas, Ph.D.

Others Present:

Thomas O'Connor, Executive Officer
Laura Freedman, Legal Counsel
Jeffrey Thomas, Assistant Executive Officer
Kathy Bradbury, Administrative Services Coordinator
Kathi Burns, Enforcement Coordinator
Karen Johnson, Licensing/Examination Coordinator

Agenda Item #9 - Approval of August 16 & 17, 2002 Open Session Minutes

It was M/(Adelman)/S(Tan)/C to approve the August 16, 2002 open session minutes with minor corrections.

VOTE: 9 - 0

Agenda Item #10 - President's Report – Dr. Harmell

a. Committee Assignments

Dr. Harmell appointed Myra Scott Reifman to the Enforcement Committee and Jacqueline Horn, Ph.D. to the Examination Committee.

b. Other President's Informational Items

Dr. Harmell thanked the board members for their hard work and dedication.

Agenda Item #11 - Executive Officer's Report – Mr. O'Connor

a. Budget Change Proposal Update

Mr. O'Connor explained that in order to augment a program or increase the budget where there are deficiencies, a Budget Change Proposal (BCP) must be prepared by staff. He briefly described the BCP process. He explained that, due to the budget situation, the Department of Finance denied all of the Department of Consumer Affairs' BCPs except for six. Included in those BCPs being considered by the Department of Finance is the board's BCP which would transfer the complaint intake staff from the Medical Board to the Board of Psychology. Mr. O'Connor indicated that he is encouraged that it will be approved since there is no augmentation of funds involved or addition of personnel since it merely moves a position from one board to another.

b. ASPPB Annual Meeting Report

Mr. O'Connor reported on his trip to Pt. Clear, Alabama to attend the ASPPB Annual meeting. He mentioned that approximately 50 member boards were represented at the meeting. He indicated that the main concern that was raised was the decrease in the number of candidates taking the Examination for Professional Practice in Psychology (EPPP) nationwide. Mr. O'Connor pointed out that while this may be the trend nationally, that is not the case in California where the number of candidates taking the EPPP has remained consistent.

Mr. O'Connor indicated that the Health Insurance Portability and Accountability Act (HIPAA) was also discussed at the meeting. As a result, information regarding HIPAA has been posted on the board's website at www.psychboard.ca.gov.

c. Citizen Advocacy Center – Annual Meeting Report

Mr. O'Connor reported that he and Dr. Ruff attended the annual meeting of the Citizen Advocacy Center (CAC) in San Francisco on November 13, 2002. This

meeting was co-sponsored by the Department of Consumer Affairs this year. Mr. O'Connor reported that he and Dr. Ruff attended at a reduced fee since they were only able to attend one day of the conference due to the strategic planning session and board meeting.

Mr. O'Connor indicated that the CAC's main focus is public members of regulatory boards, although they encourage licensed members and staff to attend their conferences. Dr. Ruff reported that he found the meeting to be informative and provided him with some very good insights.

d. Other Executive Officer Informational Items

Mr. O'Connor informed the board that we have been asked to be the pilot agency to participate in an on-line scheduling process with Experior Assessments for candidates for the CJPEE to schedule their examinations via the Internet.

Mr. O'Connor deferred to Ms. Johnson to report on the on-line licensing statistics. Ms. Johnson reported that on-line licensing, which allows submission of renewals as well as applications for licensure to be submitted via the Internet using a credit card, has been available to our licensees and applicants since January of this year. She presented statistics showing the amount of revenue collected per month from services provided on-line since the inception of this project. These statistics show that the usage of these services have been steadily increasing since January 2002.

Agenda Item #12 - Legal Counsel's Report – Ms. Freedman

a. Criminal Conviction Reporting re: Licensees & Applicants

Ms. Freedman responded to a question raised recently by a board member asking if the board could require licensees or registrants to report criminal convictions to the board. She stated that the board would need statutory authority to impose such a requirement. She explained that currently each applicant is required to disclose a conviction at the time of license or registration renewal. Additionally, since licensees and registrants are required to submit fingerprints when applying for licensure or registration, the board is notified by an automated reporting system through the Department of Justice when a licensee or registrant is subsequently arrested or convicted.

b. Other Legal Counsel Informational Items

None.

Agenda Item #13 - Regulation Update – Ms. Bradbury

a. Disciplinary Guidelines

Ms. Bradbury reported that the regulation hearing for the disciplinary guidelines regulations is scheduled to be heard later this day.

b. Requirements for Psychologists on Probation

Ms. Bradbury reported that the regulation hearing for the requirements for

psychologists on probation regulations is scheduled to be heard later this day.

c. CE Exception

Ms. Bradbury reported that the final rulemaking file for the CE Exception regulations has been submitted to the Office of Administrative Law and has an effective date of January 1, 2003.

d. EPPP Fee

Ms. Bradbury reported that the final rulemaking file for the EPPP Fee regulations has been submitted to the Office of Administrative Law and has an effective date of February 1, 2003.

e. Fee Reduction (Withdrawn)

Ms. Bradbury reported that the regulation package to reduce the initial and biennial renewal fees for psychologists was withdrawn due to the current state fiscal crisis and the resulting \$5 million loan to the General Fund from the Psychology Fund.

f. Other Regulation Update Informational Items

None.

Agenda Item #14 - Continuing Education Report – Mr. Thomas

a. CE Compliance Statistics

Mr. Thomas referred the board to the non-compliance statistics report submitted by the MCEP Accrediting Agency. Mr. Thomas noted that while the report indicated a 16% non-compliance rate for the July 2002 renewal period, this does not mean that 16% of psychologists renewing in that month have failed to complete the required hours of continuing education. It needs to be taken into consideration that some of the courses taken by psychologists had not been reported to the accrediting agency by the date of the report.

b. Prescribing Psychologists Register Inc.

With regard to the request from Prescribing Psychologists Register, Inc. (PPR) for the board to amend regulations to allow blanket approval of PPR courses (as has been done with APA and CME), Dr. Adelman stated that in learning more about the process, it makes sense to take a step back at this time and look at the issue in the context of a policy. Dr. Adelman presented a draft of the policy that reads:

“The Board of Psychology may approve an entity to perform the/an accrediting function if the entity:

- 1) Has had at least 10 years experience managing continuing education programs for psychologists on a statewide basis, including, but not limited to:
 - a) Maintaining and managing related records and data.

- b) Monitoring and approving courses.
- 2) Has a means to avoid a conflict of interest between any provider functions and any accreditation function.
- 3) Submit a detailed plan of procedures for monitoring and approval of the provider function by the accreditation function to demonstrate that it has the capacity to evaluate each course, including the following:

[Those items would be included here that address the accreditation function from 1397.64 – not those that apply to the strictly reporting function.]”

John Kennedy, Attorney at Law, representing PPR expressed appreciation for the thought and effort the board has invested in trying to fairly address the PPR request. For the short term, however, Mr. Kennedy stated that it is not fair to his client to be put into the position of experiencing delays in course approval by the MCEP Accrediting Agency (MCEPAA).

M(Kalustian)/S(Adelman)/C to:

- a) Request staff to meet with MCEPAA to discuss timeliness of course approval processes and advertising of courses and report back to the board.
- b) Request staff to work on finalizing the draft policy to address accreditation and course approval.
- c) If meeting with MCEPAA produces issues that need to be addressed by regulations, bring the issues back to the board with recommendation.
- d) Reach out to other organizations with similar problems in getting MCEPAA course approval.

c. D.A.P. – Request for Exception to the Continuing Education Requirements

M/Continuing Education Committee/S(Tan)/C to request that D.A.P. provide additional information regarding the provider, specifically what form of accreditation they possess as well as documentation of that accreditation the course provider.

d. Other Continuing Education Update Informational Items

M/Continuing Education Committee/S(Tan)/C to approve the courses that H.M. has submitted.

The Continuing Education Committee requested that the application for exception to the continuing education requirements form be updated to include a requirement that information be submitted regarding the provider’s accreditation as well as information that must be submitted if an applicant submits a speaking engagement to fulfill a portion of the continuing education requirements.

Agenda Item #15 - Regulation Hearings (10:00 AM)

a. Disciplinary Guidelines

Dr. Harmell conducted the regulation hearing on the proposed amendments to the

regulations relating to the disciplinary guidelines.

It was M(Early)/S(Tan)/C to adopt the proposed regulations.

b. Requirements for Psychologists on Probation

Dr. Harmell conducted the regulation hearing on the proposed amendments to the regulations relating to the requirements for psychologists on probation.

It was M(Ruff)/S(Reifman)/C to adopt the proposed regulations.

Agenda Item #16 - Credentials Committee Report

a. National Register Presentation- Dr. Judy Hall

Dr. Judy Hall, Executive Officer of the National Register of Health Service Providers in Psychology, presented information regarding the services that her organization offers to licensed psychologists who are seeking licensure in other jurisdictions. Dr. Hall requested that the board accept the National Register as a verification source similar to a Certificate of Professional Qualification that is issued by the Association of State and Provincial Psychology Boards. She explained that each member of the National Register must qualify by proving his or her education and training in addition to having no history of disciplinary action taken against his or her license.

M(Horn)/S(Tan)/C for staff to move forward with the inclusion of the National Register in Section 1388.6(c) of the California Code of Regulations provided that a five year post-licensure requirement be included. Dr. Hall agreed to include the date of initial licensure on all verification of licensure letters.

Mr. O'Connor informed the board that staff would prepare draft language to be included in the agenda for the board meeting in February.

b. Draft SPE Agreement and Verification Form

Dr. Horn stated that a workgroup of licensed psychologists will meet on January 18, 2003 to review the supervision regulations and revise the draft supervision agreement. An updated draft agreement will be presented at the February board meeting.

Allison Parelman, Ph.D. requested an invitation to participate in this workgroup.

c. S.A. - Plan for Supervised Professional Experience in Psychological Research

The Credentials Committee will need additional information about the research before they can reach a decision. The Committee has instructed staff to request that S.A. provide additional information to be presented at the February board meeting.

d. T.B. - Plan for Supervised Professional Experience in Industrial/Organizational Psychology

The Credentials Committee will need additional information about T.B.'s industrial/organizational duties before they can reach a decision. The Committee has instructed staff to request that T.B. provide additional information to be presented at the February board meeting.

e. J.C.C. - Plan for Supervised Professional Experience in Psychological Research

The Credentials Committee will need additional information about the research before they can reach a decision. The Committee has instructed staff to request that J.C.C. provide additional information to be presented at the February board meeting.

f. A.C. - Plan for Supervised Professional Experience in Psychological Research

M(Credentials Committee)/C to deny A.C.'s request to earn hours of supervised professional experience in the area of psychological research.

g. C.N.G. - Plan for Supervised Professional Experience in Psychological Research

M(Credentials Committee)/C to deny C.N.G.'s request to earn hours of supervised professional experience in the area of psychological research.

h. D.W.H. - Plan for Supervised Professional Experience in Psychological Research

M(Credentials Committee)/C to approve D.W.H.'s request to earn hours of supervised experience in the area of psychological research.

i. C.H. - Plan for Supervised Professional Experience in Psychological Research

M(Credentials Committee)/C to approve C.H.'s request to earn hours of supervised professional experience in the area of psychological research.

j. J.E.P. - Plan for Supervised Professional Experience in Psychological Research

M(Credentials Committee)/C to approve J.E.P.'s request to earn hours of supervised experience in the area of psychological research.

k. S.M.S. - Plan for Supervised Professional Experience in Psychological Research

M(Credentials Committee)/C to approve S.M.S.'s request to earn hours of supervised experience in the area of psychological research.

l. R.W.P. - Plan for Supervised Professional Experience in Psychological

Research

M(Credentials Committee)/C to approve R.W.P.'s request to earn hours of supervised professional experience in the area of psychological research.

m. R.W. - Plan for Supervised Professional Experience in Psychological Research

M(Credentials Committee)/C to approve R.W.'s request to earn hours of supervised professional experience in the area of psychological research.

n. Request for exemption to the limit of three psychological assistants registered to one psychologist in Business and Professions Code Section 2913(d)

The petitioner withdrew this item. No action is required.

o. Additional Credential Items Received After Agenda

C.S.D. - Plan for Supervised Professional Experience in Psychological Research.

M(Credentials Committee)/C to approve C.S.D.'s request to earn hours of supervised experience in the area of psychological research.

Agenda Item #17 - Examination Committee Report

a. CJPEE Development Workshops

Dr. Ruff expressed appreciation for the presentation by the staff of the Office of Examination Resources on Friday. He expressed comfort that the CJPEE is performing well in ensuring that applicants are competent in the laws and professional ethics relating to the practice of psychology. Dr. Ruff discussed his concerns that there are components of the practice of psychology that are not being tested in the EPPP or the CJPEE. He expressed that the two exams do not test an applicant's clinical abilities, for example. He expressed an intent to explore development of an examination that focuses on applied competency.

Dr. Adelman stated that the board should first review the exam process before taking steps to change or add a clinical component.

Charles Faltz, Ph.D. agreed with Dr. Ruff and expressed his concern that currently there is no exam in place to test an applicant's clinical ability.

M(Ruff)/S(Kalustian)/C to pursue work with the Office of Examination Resources to explore development of a licensing examination of applied competency for applicants for licensure.

b. Other Examination Informational Items

None

Agenda Item #18 - Enforcement Committee Report

a. Enforcement Statistics

Ms. Early reported that the most current enforcement statistics reflect the first quarter of the fiscal year. These statistics were provided as an informational item.

b. Investigation Priorities – MBC Memo

Mr. O'Connor addressed a memorandum from David T. Thornton, Chief of Enforcement for the Medical Board of California (MBC). The memorandum outlined a new prioritization of cases to be investigated by the MBC Investigations Unit. The prioritization is due to the current state hiring freeze and subsequent reduction of investigative staff. Mr. O'Connor assured the board that consumer protection will not suffer as a result of tightening resources.

c. Expert Reviewer Training Survey Results

Ms. Early provided the results of the satisfaction survey from the 2002 expert training session that was held earlier this year. The results reflected positively on the presentation and provided suggestions for future topics.

d. DCA Complaint Disclosure Policy Recommendations

Mr. O'Connor explained the Department's new complaint disclosure policy and explained that Carlos Ramirez, Senior Assistant Attorney General, had advised the Board in a July 2002 memo that without legislative authority, it was not recommended that the Board disclose complaints prior to the filing of an Accusation. Mr. O'Connor will work with Ms. Freedman to finalize a draft disclosure policy for the board.

e. Other Enforcement Informational Items

Ms. Early reported that the Enforcement Committee had asked board staff to gather information and ideas regarding development of a "peer review" process designed to provide feedback to expert reviewers regarding their work for the board. This issue will be brought back to a future board meeting.

Agenda Item #19 - Legislation Committee Report

a. End of Session Update:

1. AB 269 (Correa)

Dr. Thomas reported that AB 269 which sets consumer protection as the highest priority for licensing boards was signed into law by Governor Davis on July 3, 2002 and becomes effective January 1, 2003.

2. SB 557 (Figueroa)

Dr. Thomas reported that SB 557 which prohibits state agencies from charging convenience fees to consumers for using credit cards transact state business died and no further action is anticipated.

3. SB 564 (Speier)

Dr. Thomas reported that SB 564 was signed by Governor Davis on September 11, 2002. SB 564 requires any applicant for licensure as a psychologist who began graduate study on or after January 1, 2004 to complete a minimum of 15 contact hours of coursework in spousal or partner abuse assessment,

detection,

and intervention strategies. This bill also requires all licensees renewing their license for the first time after January 1, 2005 to take a continuing education course in spousal or partner abuse assessment, detection, and intervention strategies. This is a one-time renewal requirement.

4. SB 953 (Vasconcellos)

Dr. Thomas reported that SB 953 was signed into law by Governor Davis on September 13, 2002. This new law will require any applicant for licensure as a psychologist who begins graduate study on or after January 1, 2004, to complete a minimum of ten contact hours of coursework in aging and long-term care in the biological, social, and psychological aspects of aging. SB 953 also requires all licensees renewing their license on or after January 1, 2005 to complete a three hour continuing education course in aging and long-term care. This is a one-time renewal requirement.

5. SB 1950 (Figueroa)

Dr. Thomas stated that this was a bill addressing the Medical Board of California sunset review and was provided as an informational item only.

6. SB 2025 (Figueroa)

Dr. Thomas reported that SB 2025, which was signed by Governor Davis on September 27, 2002, extends the board's sunset date to November 1, 2007.

b. Other Legislation Informational Items

None.

Agenda Item #20 - Consumer Education Committee Report

a. Website Statistics

Mr. Thomas referred the board to the statistics regarding the usage of the board's website.

b. BOP Update 10

Ms. Kalustian briefed the board regarding the information that will be provided in the next BOP Update. The newsletter will be published and distributed within the next couple of months.

c. Other Consumer Education Informational Items

None.

Agenda Item #21 - Public Comment

Dr. Allison Parelman representing the Los Angeles Society of Clinical Psychologists pointed out that there were copies of Credentials Committee items in her packet.

Pamela Harmell, Ph.D.
President

Date